



Ordinance No. 2016-017

City of Minneapolis

File No. 16-00001

By Goodman

Amending Title 12, Chapter 242 of the Minneapolis Code of Ordinances relating to Housing: Appeals.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 242 of the Minneapolis Code of Ordinances be and hereby is repealed in whole and replaced with a new Chapter 242 to read as follows:

CHAPTER 242. - APPEALS

242.10. Housing board of appeals. (a) A housing board of appeals is hereby created. The board shall consist of the director of regulatory services or the director's designee, the fire marshal or the fire marshal's designee, and the building official or the building official's designee. Two (2) members of the board shall constitute a quorum. The board shall make decisions by a majority vote. The notice of violation appealed from, as set forth in the notice, shall be upheld if the panel is deadlocked.

(b) The board shall have authority to hear and decide all appeals from any notice of violation required to be issued pursuant to section 244.150 alleging a violation of the housing maintenance code or ordering abatement of such an alleged violation. The board shall uphold, modify or overturn the notice of violation or order. The board shall have no authority to hear or decide an appeal regarding any of the enumerated violations for which a notice of violation is not required to be issued pursuant to section 244.150.

(c) Any recipient of a qualifying notice of violation or order wishing to appeal such notice or order shall file a written notice of appeal with the department of regulatory services within twenty-one (21) days of the issuance thereof. The notice shall contain a concise statement of the grounds for the appeal and shall be accompanied by a fee of one hundred dollars (\$100.00).

(d) The board shall designate one member to act as chair to preside over meetings. The board shall meet at the call of the chair to hear appeals. The board shall notify the appellant in writing of the time and place of the hearing. The notice shall be issued at least ten (10) days prior to the hearing unless the appellant consents to an earlier scheduling and shall inform the appellant of the right to appear individually or through a representative, the right to call, examine and cross-examine witnesses at the hearing and offer such evidence as may bear on the decision of the board, and that the hearing will be recorded.

(e) At the hearing, the board shall hear all relevant evidence and argument. The board may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The panel shall record the hearing and keep a record of documentary evidence submitted.

(f) The board may render its decision at the close of the hearing upon motion or within seven (7) days after the close of the hearing in writing. If the decision is rendered at the close of the hearing upon

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motion, the motion shall summarize the reasons for the decision. If the decision is rendered in writing subsequent to the close of the hearing, the written decision shall summarize the reasons for the decision and shall be mailed to the appellant. The board shall make its determinations based upon a preponderance of the evidence.

(g) The decision of the board shall constitute the final decision of the city.

Notice: 1/15/2016 Intro. & 1st Reading: 1/29/2016 Committee: CDRS
Public Hearing: 2/16/2016 2nd Reading & Passage: 2/26/2016 Publication: 3/5/2016

RECORD OF COUNCIL VOTE				
MEMBER	AYE	NAY	ABSTAIN	ABSENT
REICH	X			
GORDON	X			
FREY	X			
B. JOHNSON	X			
YANG	X			
WARSAME	X			
GOODMAN	X			
GLIDDEN	X			
CANO		X		
BENDER	X			
QUINCY	X			
A. JOHNSON	X			
PALMISANO	X			
DATE:	FEB 26 2016			

☒ APPROVED ☐ VETOED


MAYOR HODGES

MAR 01 2016
DATE

Certified an official action of the City Council

ATTEST:


CITY CLERK

Presented to the Mayor:

FEB 26 2016

Received from the Mayor:

MAR 02 2016